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and Third-Party Defendants Shaen Bernhardt, Martin Fasser Heeg,  
Stefan Kammerlander, and AmeriMark Group AG*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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CAPANA SWISS ADVISORS AG, a Swiss  
corporation; AMERIMARK  
AUTOMOTIVE AG, a Swiss corporation,

Plaintiffs,

vs.

RYMARK, INC., a Utah corporation;  
NICHOLAS THAYNE MARKOSIAN, an  
individual; JOHN KIRKLAND, an individual;  
and VICKY SMALL, an individual,

Defendants.

**STIPULATED MOTION FOR  
EXTENSION OF DEADLINE FOR  
THIRD-PARTY DEFENDANT  
AMERIMARK GROUP AG TO  
RESPOND TO THIRD-PARTY  
COMPLAINT**

Case No. 2:23-cv-00467

Judge: Hon. Ted Stewart

Magistrate Judge: Hon. Cecilia M. Romero

Third-Party Defendant AmeriMark Group AG, Counter Claimants Nicholas Thayne Markosian; John Kirkland; and Vicky Small, and Third-Party Plaintiffs Rymark, Inc. and Nicholas Thayne Markosian, by and through undersigned counsel, hereby stipulate and move for an extension for AmeriMark Group AG to respond to the Third-Party Complaint to January 2, 2025.

Good cause exists for this extension due to AmeriMark Group AG's counsel's pre-existing conflicts, as well as confusion relating to the deadline printed on the summons (ECF No. 186).

Accordingly, the parties respectfully request that the Court enter the Order Granting the Stipulated Motion for Extension of Deadline for Third-Party Defendant AmeriMark Group AG to respond to the Third-Party Complaint filed concurrently herewith.

DATED: December 17, 2024

VENABLE LLP  
John S. Worden (*Admitted Pro Hac Vice*)  
Sarah E. Diamond (*Admitted Pro Hac Vice*)

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By: /s/ Sarah E. Diamond  
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Robert Harrington

By: /s/ Stephen Richards \*\*Signed with  
permission

*Attorneys for Counter Claimants and Third-  
Party Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17th day of December, 2024, I caused a true and correct copy of the foregoing **STIPULATED MOTION FOR EXTENSION OF DEADLINE FOR THIRD-PARTY DEFENDANT AMERIMARK GROUP AG TO RESPOND TO THIRD-PARTY COMPLAINT** to be filed on the Court's CM/ECF platform, which sent notice to all counsel of record.

/s/ Hannah Ector

Hannah Ector